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TOWN WARRANT
Special Town Meeting
October 27, 1997

Hampshire, ss.

To one of the Constables of the Town of Amherst, in said county, Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify the registered voters of the Town of Amherst of the **Special Town Meeting** to be held in the Auditorium of the Amherst Regional Middle School in said Amherst at seven-thirty o'clock p.m. on **Monday, the 27th day of October, nineteen hundred and ninety-seven**, when the following article will be acted upon by town meeting members:

ARTICLE 1. Reports of Boards and Committees (Select Board)

To see if the Town will hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

ARTICLE 2. Town Bylaws - Rules of Order for Town Meeting - Rule 3
(Town Meeting Study Committee)

To see if the Town will amend Article 1, Rule 3, of the Town Bylaws by substituting for Rule 3 the following:

3. During debate on any motion under any article, the Moderator shall entertain no motion other than to adjourn, to dismiss, for the previous question, to limit debate, to postpone to a date certain, to commit, and to amend, which several motions shall have precedence in the order herein mentioned. The meeting shall not vote to dismiss an article without having first heard a voter speak in its favor, unless no one seeks to do so. Motions to adjourn, for the previous questions, and to limit debate are not debatable. If two-thirds of the members vote in favor of a motion to limit, then the Moderator shall call for and recognize no more than six (6) speakers, alternating to the extent possible between speakers declaring themselves as speaking in favor of the motion and those opposed. Each such speaker shall be limited to two (2) minutes without extension.

ARTICLE 3. Town Bylaws - Rules of Order for Town Meeting - Rule 4
(Town Meeting Study Committee)

To see if the Town will amend Article 1, Rule 4, of the Town Bylaws by substituting for Rule 4 the following:

4. Following a motion under any article, the Moderator shall first recognize the proponent thereof to speak for up to five (5) minutes in favor of the motion, or with leave of Town Meeting, for additional time. Thereafter, and in the absence of leave of Town Meeting granting additional time, each subsequent speaker shall be limited to three (3) minutes. No person shall speak more than twice on the same subject, without leave of the meeting, except to raise a point of order.

ARTICLE 4. Town Bylaws - Rules of Order for Town Meeting - Rule 6
(Town Meeting Study Committee)

To see if the Town will amend Article 1, Rule 6, of the Town Bylaws by adding thereto the following additional text:

For every standing vote each member shall surrender to the teller for later public inspection the color coded card relating to the vote just taken. The official vote of Town Meeting shall be the counted standing vote, and in no instance shall the colored cards collected following the vote be deemed evidence of inaccuracy of the standing vote count.

ARTICLE 5. Town Bylaws - Rules of Order for Town Meeting - Proposed Rule 14
(Town Meeting Study Committee)

To see if the Town will amend Article 1 of the Town Bylaws by adding thereto the following new Rule 14:

14. After 10:00 PM, and in the absence of a majority vote of Town Meeting so permitting, no motion under any article other than the article then under debate may be made.

ARTICLE 6. Special Act - Nomination of Town Meeting Candidates
(Town Meeting Study Committee)

To see if the Town will authorize the Select Board to petition the General Court for a Special Act to amend Section 4 of the Representative Town Meeting Act by deleting therefrom the words "*not less than ten voters of the precinct in which the candidate resides*", such that the amended Article 5 reads as follows:

Nomination of candidates for Town Meeting members to be elected under this act shall be made by nomination papers which shall bear no political designation, but to the name of a candidate for re-election may be added the words "Candidate for Re-election." Nomination papers shall be signed by at least one registered voter of the precinct in which the candidate resides and shall be filed with the Town Clerk at least 49 days before the election. No nomination paper shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

ARTICLE 7. Special Act - Town Meeting Vacancies
(Town Meeting Study Committee)

To see if the Town will authorize the Select Board to petition the General Court for a Special Act to amend Section 7 of the Representative Town Meeting Act, by substituting for Section 7 the following:

Section 7. In the event of any vacancy in the full number of elected Town Meeting members from any precinct, the Town Clerk shall, not less than six (6) weeks prior to the special fall town meeting, mail written notice of such vacancy to the remaining elected members of the precinct and shall publish said notice in a newspaper of general circulation in the Town. Nomination papers to fill any vacant seat may be filed by any registered voter of the precinct with the Town Clerk until the fourteenth (14th) day following the date of publication. The Town Clerk shall within seven (7) days thereafter certify the qualified candidates, mailing to the remaining Town Meeting members in the precinct a copy of such certification together with a written ballot identifying the qualified candidates and the number of vacancies to be filled. The remaining Town Meeting members of the precinct shall, on or before the fourteenth (14th) day following said mailing, cause their ballots to be delivered to the Town Clerk in a sealed envelope. On the first business day following said fourteenth (14th) day the Town Clerk shall open the envelopes at a duly noticed public meeting. If the number of certified candidates exceeds the number of vacancies the Town Clerk shall certify the election of those with the largest number of votes, ties to be resolved by lot. If the number of certified candidates shall be equal to or smaller than the number of vacancies, the Town Clerk shall certify the election of all those receiving at least one (1) vote.

ARTICLE 8. Town Meeting Study Committee Recommendations (Town Meeting Study Committee)

To see if the Town will endorse the remaining recommendations contained in the final report of the Town Meeting Study Committee, copies thereof obtainable at the office of the Town Clerk.

ARTICLE 9. Transfer of Funds - Unpaid Bills (Select Board)

To see if the Town will, in accordance with Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.

ARTICLE 10. Loans for Failed Septic Systems (Board of Health)

To see if the Town will appropriate and transfer \$200,000 for the repair and/or reconstruction of septic systems for the subsurface disposal of sanitary waste and to meet such appropriation authorize borrowing \$200,000 from the State Revolving Fund in accordance with Chapter 111, § 127B 1/2.

ARTICLE 11. Abandonment of Sewer Easement - University Drive (Select Board)

To see if the Town will authorize the Board of Selectmen in their capacity as Sewer Commissioners to issue an appropriate deed for no monetary consideration to the Slobody

Development Corporation or their assigns for an abandoned sanitary sewer easement within property owned by that corporation or their assigns off the west side of University Drive.

ARTICLE 12. Sewer Extension - Sewer Fund - Baker Street (Select Board)

To see if the Town will appropriate \$50,000 to extend an 8-inch sanitary sewer line approximately 570 feet on Baker Street and to determine whether such appropriation shall be met by revenue of the current year or by the transfer of available funds.

ARTICLE 13. Watershed Land Acquisition - Water Fund - Houston Property
(Conservation Commission)

To see if the Town will (1) appropriate \$56,000 for the acquisition of approximately 70 acres of property located on West Pelham Road in Shutesbury, known as the Houston purchase, for conservation purposes and for watershed protection purposes, and to determine whether such appropriation shall be met by revenues of the current year or by transfer of available funds; (2) authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts, the Kestrel Trust, or otherwise; (3) authorize the Conservation Commission to enter into an agreement or contract with the Commonwealth under the "Self-Help" reimbursement program, Massachusetts General Laws Chapter 132A, Section 11; and (4) authorize the Conservation Commission to manage and control said property in accordance with Massachusetts General Laws, Chapter 40, Section 8(c).

ARTICLE 14. Street Acceptances - Amherst Woods, Hedgerow Lane and Arbor Way (Select Board)

To see if the Town will accept as town ways Woodlot Road, Old Farm Road, Wildflower Drive, Hedgerow Lane, and Arbor Way, all as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefor, no appropriation being required

ARTICLE 15. Economic Opportunity Areas (Select Board)

To see if the Town will designate the following areas as Economic Opportunity Areas (EOAs), as provided under M.G.L. Chapter 23A, Sections 3A-3H, for a term of not more than twenty (20) years, for the purpose of providing property tax relief to certified projects located within the EOA, in the form of Tax Increment Financing and/or Special Tax Assessment.

A) The EOA, to be called the "Belchertown Road EOA," to include those portions of the following properties which fall within the Professional Research Park (PRP) zoning district and are shown on the Official Tax Maps as: 18C-001-020, 18C-24, 18C-26, 18D-2, 18D-38, 18D-001-051, 18D-52, 18D-96, 18D-98.

B) The EOA, to be called the "Meadow Street EOA," to include those portions of the following property which falls within the Light Industrial (LI) zoning district and is shown on the Official Tax Maps as parcel 4D-8.

ARTICLE 16. Parking Plan (A. Root)

"RESOLUTION - PARKING, TRAFFIC & ENVIRONMENTAL PLAN TO BENEFIT AMHERST BUSINESS & COMMUNITY INTERESTS IN THE DOWNTOWN AREA

WHEREAS, both business and community interests would be better served by improved management of the existing supply of parking spaces within the downtown area -- as well as by relief from traffic congestion;

BE IT RESOLVED, that the Amherst Town Meeting hereby strongly urges the Select Board, to schedule -- an open & public process -- with all due deliberate speed -- whereby a new comprehensive parking, traffic & environmental protection plan is developed and implemented to benefit all Amherst businesses and citizens throughout the downtown area."

ARTICLE 17. Downtown Parking Action Plan (Coalition for a Comprehensive Downtown)

"To see if the town will adopt the following parking garage-neutral, comprehensive parking action plan for downtown Amherst by voting:

Administrative Action

- A1. To request that the Select Board direct the town manager to designate a town employee as Amherst Parking Coordinator, and that the Board and manager jointly develop and print for distribution a table of organization for parking planning, data collection, financial accounting and management enforcement, maintenance and operation, and public information;
- A2. to request that the town manager provide the next town meeting with a written report on parking meter repair and maintenance, which shall include, but not be limited to descriptions of (a) timetables for the maintenance of all varieties of parking meters, and (b) the process and timetable for the identification and repair or replacement of broken meters;
- A3. to request that the Select Board promulgate regulations authorizing and directing the town manager to: (a) develop and implement by 1 February 1998 a permit system providing that, on weekdays between 9 AM and 5 PM, only residents and their guests, town employees, downtown business proprietors and their employees, may park on unmetered portions of Amity, Lessey, Main, Spring, North and South Prospect Streets; (b) thereafter enforce single cycle parking time limits for all metered parking spaces on Main, Amity, North and South Pleasant Streets;
- A4. to request that the town establish, beginning FY 1999, a Parking and Downtown Improvement Fund into which all parking meter and parking fine monies shall be deposited, and from which parking enforcement, operation and maintenance, parking lot acquisition, downtown bicycling and public transportation improvements, downtown signage, and other downtown improvements may be funded; and, to require that the FY 98 base for town, school, and library budgets and revenues be adjusted to reflect this reallocation and to render neutral its impact on their FY 1999 budgets;
- A5. to amend the Zoning Bylaw, Section 5.015, Garaging or Parking of Motor Vehicles, by adding as Section 5.0153 the following: If in the B-G District, and B-L Districts adjacent to the B-G District, the difference between the number of existing parking spaces and the actual or adjusted parking demand exceeds 10 parking spaces, those spaces may, by Special Permit, be commercially leased at times allowed and in accordance with conditions imposed by the Zoning Board of Appeals;

Parking Facility Land Acquisition

- B 1. to authorize the Board of Selectmen to acquire from the Amherst Redevelopment Authority or its successor for parking, pedestrian, and other municipal purposes by purchase, eminent domain, gift or otherwise in fee simple, easement or other interest therein, in accordance with Massachusetts General Laws, Chapter 40, Section 14, and Chapter 79, both as amended, and any other law so authorizing, the tracts of land known as Parcels 60, 333, 224, and 285 of Map 14A of the Town Cadastre located in Boltwood Walk and comprising 22,000 square feet more or less, said authorization to expire on the 30th day of June in the year 2001, and to raise and appropriate \$100,000 for these purposes, including land and utility surveys, appraisals, and legal costs, and to determine whether such appropriation shall be raised by taxation, by the transfer of available funds, by borrowing, or otherwise, and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursement for said grants;
- B2. to authorize the Board of Selectmen to acquire from Mauro Aniello or his successor for parking, pedestrian, and other municipal purposes by purchase, eminent domain, gift or otherwise in fee simple, easement or other interest therein, in accordance with Massachusetts General Laws, Chapter 40, Section 14, and Chapter 79, both as amended, and any other law so authorizing, the tract of land known as Parcel 46 of Map 14A of the Town Cadastre located in Boltwood Walk and comprising 10,000 square feet more or less, said authorization to expire on the 30th day of June in the year 2001, and to raise and appropriate \$250,000 for these purposes, including land and utility surveys, appraisals, and legal costs, and to determine whether such appropriation shall be raised by taxation, by the transfer of available funds, by borrowing, or otherwise, and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursement for said grants;

- B3. to authorize the Board of Selectmen to acquire from Jones Properties Trust or its successor for parking, pedestrian, and other municipal purposes by purchase, eminent domain, gift or otherwise in fee simple, easement or other interest therein, in accordance with Massachusetts General Laws, Chapter 40, Section 14, and Chapter 79, both as amended, and any other law so authorizing, the tract of land known as Parcel 214 of Map 14A of the Town Cadastre located at the southeast corner of Amity and South Prospect Streets and comprising 12,000 square feet more or less, said authorization to expire on the 30th day of June in the year 2001, and to raise and appropriate \$350,000 for these purposes, including land and utility surveys, appraisals, and legal costs, and to determine whether such appropriation shall be raised by taxation, by the transfer of available funds, by borrowing, or otherwise, and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursement for said grants;

Metering Additional Downtown Streets and Parking Lots

- C1. to appropriate \$7,500 from Parking Meter Fund to design a plan to combine the town's existing Amity Street public parking lot with the parking lot described in section B3 above, which plan shall include a crosswalk to the main entry of the Jones Library from the resulting combined parking lot;
- C2. to appropriate \$7,500 from Parking Meter Fund for the purpose of installing parking meters on the land described in section B2 above;
- C3. to appropriate \$28,500 from Parking Meter Fund for long-term parking meters to be installed on Boltwood Avenue (40) between College and Spring Streets, Churchill Street (40) between Spring and Lessey Streets, and Hallock Street (15) between North Pleasant Street and Pease Place;
- C4. to appropriate \$7,500 from Parking Meter Fund to design a plan to install parking meters on and improve Spring Street between Boltwood Avenue and Churchill Street;
- C5. to appropriate \$2,500 from Parking Meter Fund for larger, more visible signs to direct visitors and the public to Amherst Center parking facilities.”

ARTICLE 18. Exchange of Real Property - Amity Street (Select Board)

To see if the Town will convey to D.H. Jones Trust a portion of Parcel 215 of Map 14A of the Town Cadastre located on Amity Street in return for Parcel 216 and a portion of Parcel 214 of Map 14A located on South Prospect and Amity Streets, the acquisition of said parcels for public parking and other municipal purposes.

ARTICLE 19. Parking Garage (Pro Bono Group)

- “A. To see if the Town will raise and appropriate, subject to a guarantee of 75% reimbursement (max. \$3 million) by the Commonwealth of Massachusetts \$4,000,000 for construction of a parking garage and vehicular and pedestrian ways and for other municipal purposes in Boltwood Walk substantially according to the designs proposed by the Pro Bono Group, so called, for the acquisition of land and easements necessary for the construction of said garage, and to determine whether such appropriation shall be raised by taxation, by transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursement for said grants.
- B. To see if the Town will authorize the acquisition from the Amherst Redevelopment Authority or its successor by eminent domain, purchase, gift or otherwise, of Parcels 60, 333, 224, and 285 of Map 14A of the Town Cadastre, located in Boltwood Walk and comprising 22,000 square feet more or less, for parking, pedestrian, and other municipal purposes.
- C. To see if the Town will authorize the acquisition from Mauro Aniello or their successor by eminent domain, purchase, gift or otherwise, of the easterly portion of Parcel 46 of Map 14A of the Town Cadastre, located in Boltwood Walk and comprising of 10,000 square feet more or less, for parking, pedestrian, and other municipal purposes.”

ARTICLE 20. Boltwood Place (Select Board)

A. To see if the Town will appropriate, subject to a guarantee of a \$3,000,000 reimbursement by the Commonwealth of Massachusetts, \$4,800,000 for design and construction of a parking garage and vehicular and pedestrian ways and for other municipal purposes in Boltwood Walk and vicinity substantially according to the designs proposed by the Parking Garage Building Committee and for the acquisition of land and easements necessary for the construction of said garage, and to determine whether such appropriation shall be raised by taxation, by the transfer of available funds, by borrowing, or otherwise, and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further to authorize the Treasurer to borrow in anticipation of reimbursements for said grants.

B. To see if the Town will authorize the acquisition from the Amherst Redevelopment Authority or its successors by eminent domain, purchase, gift or otherwise, of Parcels 60, 333, 224, and 285 of Map 14A of the Town Cadastre, located in Boltwood Walk and comprising 22,000 square feet more or less, for parking, pedestrian, and other municipal purposes.

C. To see if the Town will authorize the acquisition from Mauro and Claire Aniello or their successor by eminent domain, purchase, gift or otherwise, of the easterly portion of Parcel 46 of Map 14A of the Town Cadastre, located in Boltwood Walk and comprising 10,000 square feet more or less, for parking, pedestrian, and other municipal purposes.

You are hereby directed to serve this call by posting attested copies thereof at the usual places:

Prec. 1	North Amherst Post Office	Prec. 6	Fort River School
Prec. 2	North Fire Station	Prec. 7	Crocker Farm School
Prec. 3	Marks Meadow School	Prec. 8	Munson Library
Prec. 4	Amherst Post Office	Prec. 9	Wildwood School
Prec. 5	Bangs Community Center	Prec. 10	Campus Center/UMass

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said meeting.

Given under our hands this sixth day of October, 1997.

Bryan C. Harvey
Brenna Y. Kucinski
Hill Boss
Eva Schiffer
Homer Cowles
Board of Selectmen

Hampshire, ss.

October 7, 1997
(Date)

In obedience to the within Warrant, I have this day as directed posted true and attested copies thereof at the above designated places, to wit:

Michael R. Kent
Constable